

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CR-334-6-BO

UNITED STATES OF AMERICA

v.

PA AMBROSE MENDY

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ORDER

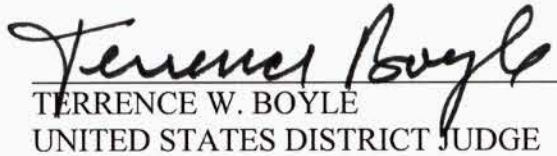
This cause having come before the undersigned on August 4, 2016, at Raleigh, North Carolina for a competency and detention hearing, and the Court having found defendant to be competent to proceed and that the conditions were present to warrant the detention of defendant, the Court enters the following in support of its oral order detaining defendant pending trial.

The Court has considered the relevant statutory factors and the proffer of the evidence presented to the United States Magistrate Judge at defendant's detention hearing, as well as the arguments of counsel. *See* 18 U.S.C. § 3142(g). Specifically, the Court has considered that defendant has been accused of engaging in a multi-state conspiracy and the government's proffer that it has weighty evidence of defendant's guilt, including his likeness on videotape engaging in behavior which forms the basis of the indictment. The Court has further considered that defendant is a foreign national currently with illegal immigration status in this country, that three of defendant's co-defendants with whom he used to live remain at large, and that the proceeds of the crime remain unaccounted for. The Court has also weighed defendant's lack of cooperation with Pretrial Services to provide basic information about himself, which suggests an unwillingness to comply with the rules and procedures of the United States Probation Office.

The Court has considered in mitigation to the above the proffer of the testimony by defendant's aunt that she would be willing to serve as a third-party custodian, but finds that her testimony is simply insufficient to outweigh the aforementioned factors. Given the evidence presented, the Court finds that the government has sufficiently demonstrated that there are no conditions or combination of conditions which will ensure defendant's appearance in court and that detention pending trial is therefore appropriate. 18 U.S.C. § 3142(e)(1).

Defendant is hereby committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 5 day of Aug, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE